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# Family reunification Estonia

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# Legal ground

In Estonia, family reunification is regulated by the Act on Granting International Protection to Aliens (AGIPA).

The provisions governing reunification have been transposed from Directive 2003/86/EC.



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## Legal ground

In Estonia, family reunification is regulated by the Act on Granting International Protection to Aliens (AGIPA)

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- A person who has received protection in Estonia can apply for family reunification
- The application is submitted to the Police and Border Guard Board (PBGB), which must review the application and make a decision within 30 days
- The arrival of family members in Estonia must be arranged independently





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- A valid travel document is required
- The visa application must be submitted at the embassy for a D visa

What will happen if PoC do not have a valid document?

What will happen if there is no embassy in the country of residence?





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Upon arrival:

- When the family member arrives in Estonia, they must submit an application for international protection as soon as possible and indicate the wish for family reunification in the application.
- The process can take up to 6 months.
- Rights and obligations are the same as an asylum seeker





## Entitled persons: AGIPA § 7

(2) Family members of a refugee and of a person eligible for subsidiary protection are:

1) his or her spouse;

1<sup>1</sup>) their registered partner;

2) an unmarried minor child, including an adopted child, of them and their spouse or registered partner;

3) an unmarried and minor child, including an adopted child, under their custody or under the custody of their spouse or registered partner. In the case of shared custody the agreement of the other party sharing custody is required;

4) an unmarried adult child of them or their spouse or registered partner in case the child is unable to cope independently due to the child's state of health or disability;

5) a parent or grandparent maintained by them or their spouse or registered partner in case the country of origin does not provide support resulting from other family ties.



## Entitled persons: AGIPA § 7

(3) Family members of an unaccompanied minor refugee and an unaccompanied minor person eligible for subsidiary protection are:

- 1) his or her parent;
- 2) his or her guardian or other family member if he or she has no parents or if the parents cannot be traced unless this is contrary to the rights and interests of the minor.

(5) Family members specified in this Act are considered a family in case the family existed in the country of origin, including in case the marriage was contracted or partnership registered before entry into Estonia.





## AGIPA vs Directive 2003/86/EC

(5) Family members specified in this Act are considered a family in case the family existed in the country of origin, including in case the marriage was contracted or partnership registered before entry into Estonia.

Article 9 (2): Member States may confine the application of this Chapter to refugees whose family relationships predate their entry.

**Is AGIPA in conflict with the Directive?**



## Dependant family member case

Case 3-20-2330 paragraph 13:

According to the explanations of the complainant and her daughter, the complainant has lived permanently with her daughter, is economically and emotionally dependent on her daughter's support, requires moral support from her daughter, is unable to cope independently with daily tasks, is nervous and underweight, etc. In other words, the case materials show a clear dependency relationship between the mother and daughter, and the mother's ability to cope independently in Russia is highly questionable. There is no evidence of support resulting from other family ties. The Police and Border Guard Board has interpreted § 7 (2) point 5 of the AGIPA too narrowly by excluding the complainant from the category of a "parent under maintenance" solely based on the argument that the complainant receives a very small pension (101 euros per month).



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